

EXHIBIT 3

Subject: RE: WSOU Investments LLC v. Google LLC, No. 20-580 (W.D. Texas)

Date: Tuesday, April 11, 2023 at 7:07:19 PM Pacific Daylight Time

From: Joseph Abraham

To: Francesca Germinario, Greg Love, Mark Siegmund, Melissa Ruiz, WSOU Google WDTX, Scott Maynard

CC: Greg Lanier, Mike Jones, WSOU-Google, WSOU POTTER GROUP, WSOU Investments LLC v. Google LLC

Francesca:

Brazos is amenable to stipulating that Barhopper v1 is not accused of infringing the '491 patent in this case.

But we do not believe the factual assertions in your stipulation as drafted (e.g., "Plaintiff previously accused Defendant's Barhopper v1 functionality of infringing the sole patent it asserts in this action") are completely accurate; Brazos's infringement contentions as drafted speak for themselves. Nor is Brazos willing to join a summary judgment motion; we do not see what purpose that serves.

We suggest you redraft your proposed stipulation consistent with the above and recirculate, and if further meet-and-confer is called for, we should have some availability tomorrow.

Best,
Joe

From: Francesca Germinario <francesca@warrenlex.com>

Sent: Tuesday, April 11, 2023 9:44 AM

To: Joseph Abraham <Joseph.abraham@foliolaw.com>; Greg Love <glove@cjsjlaw.com>; Mark Siegmund <msiegmund@cjsjlaw.com>; Melissa Ruiz <mruiz@cjsjlaw.com>; WSOU Google WDTX <wsou-google-wdtx@foliolaw.com>; Scott Maynard <scottm@rade.solutions>

Cc: Greg Lanier <tglanier@jonesday.com>; Mike Jones <mikejones@potterminton.com>; WSOU-Google <WSOU-Google@jonesday.com>; WSOU POTTER GROUP <wsougoogle@potterminton.com>; WSOU Investments LLC v. Google LLC <20-580@cases.warrenlex.com>

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[EXTERNAL] This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Counsel—we received no response to the below email. Please let us know when you are available to meet and confer today or tomorrow regarding this issue.

Thanks,

Francesca

----- Forwarded message -----

From: **Francesca Germinario** <francesca@warrenlex.com>

Date: Thu, Apr 6, 2023 at 7:43 PM

Subject: WSOU Investments LLC v. Google LLC, No. 20-580 (W.D. Texas)

To: Joe Abraham <Joseph.abraham@foliolaw.com>, Greg Love <glove@cjsjlaw.com>, Mark Siegmund <msiegmund@cjsjlaw.com>, Melissa Ruiz <mruiz@cjsjlaw.com>, Folio Law Group PLLC <wsou-google-wdtx@foliolaw.com>, Scott Maynard <scottm@rade.solutions>

Cc: Greg Lanier <tglanier@jonesday.com>, Mike Jones <mikejones@potterminton.com>, WSOU-Google <WSOU-Google@jonesday.com>, WSOU Investments LLC v. Google LLC <20-580@cases.warrenlex.com>

Joe—I write in response to your email of earlier today, which responded to my email of yesterday enclosing a stipulation confirming non-infringement by Barhopper v1. As you know, WSOU accused Barhopper v1 of infringement in its infringement contentions, putting the issue before the Court. Google seeks resolution from the Court regarding infringement by Barhopper v1, just as WSOU seeks resolution from the Court regarding infringement by Barhopper v2.

Please let us know by Monday, April 10, whether WSOU will oppose Google's motion for summary judgment of non-infringement by Barhopper v1. If you would like to meet and confer, we are available tomorrow at 11:00 a.m. CDT.

Thank you for your continued time and courtesy in this matter.

Thanks,
Francesca

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